



Government of West Bengal
Irrigation & Waterways Department
Jalasampad Bhawan, 3rd Floor, Western Block
Salt Lake City, Kolkata- 700 091.

No. 2273-IE

Date- 20/08/2024

ORDER

Standard Operating Procedure (SOP) to deal with Court Cases involving Land Acquisition/Utilisation matters under Irrigation & Waterways Department, Government of West Bengal.

Introduction :

It has been observed from sometimes past that the Court Cases, mainly Writ cases involving Land acquisition/utilisation matters are not been efficiently defended by the Authorised Officers of I & W Department at the very initial stage leading to passing of adverse orders against I & W Department in most of such Court Cases.

Moreover, after passing of such Orders in Writ cases, on-time steps as prescribed in the relevant statute/Govt. circulars have not been taken by the concerned Divisions under I & W Directorate, resulting thereby initiation of an appreciable number of Contempt Cases against the I & W Department and creates an embarrassing situation.

It is therefore, decided to formulate a Standard Operating Procedure (SOP) to deal with such Writ Cases including Contempt cases arising out of Judgement & Orders passed in Writ cases involving Land acquisition/utilisation matters, specially involving direct purchase of land covered under Memorandum No.756-LP dated 25.02.2016 read with Memorandum No.1703-LP dated 26.07.2021 of the L & LR And RR & R Department, Govt. of West Bengal.

Steps to be followed by the Authorised Officers while defending the Writ Cases:-

1. Before filing of Counter Affidavit, the Authorised Officer concerned should invariably cause to be verified at the spot as to whether the embankment for which land acquisition/utilisation compensation has been claimed by the Writ Petitioner/s at all constructed or not, and land has been utilised or not by I & W Department, as claimed by the Petitioner/s ;

2. In the Counter Affidavit, a brief history is to be mentioned narrating the incidence of breach of erstwhile embankment, nearby villagers requests/ demand for immediate repairing of the breached embankment and their voluntary and benevolent approach to the government for utilisation of their land to save their life, property/cattle/other belongings for construction/ repairing of the embankment so destroyed/breached due to natural calamity ;
3. Existing Land Acquisition Enactment/ Land Purchase Policy should also be stated briefly in the Counter Affidavit emphasizing on the institutional mechanism at the District Level Land Purchase Committee for completion of direct purchase of land as laid down in Memorandum No.756-LP dated 25.02.2016 read with Memorandum No.1703-LP dated 26.07.2021 of the L & LR And RR & R Department, Govt. of West Bengal and the role of the District Level Land Purchase Committee for determination of the land valuation, ownership and inheritance verification etc.
4. After deciding the quantum of land utilised/used by the concerned division, the Executive Engineer concerned will communicate in writing with the Dist. Magistrate concerned being the Chairperson of the District Land Purchase Committee, to constitute the Land Purchase committee for the relevant case, in reference to determination of the land valuation, ownership and inheritance verification etc.
5. In regard to valuation of land and ownership & inheritance verification issue, in respect of the land being utilised by I & W Department for public purpose, after it be confirmed, matter is to be taken up by the Executive Engineer concerned with the Block Land & Land Reform Officer and IGR/DSR/ ADSR concerned by referring through letter with copy to the I & W Department;
6. If necessary reminder letter is to be issued by the Executive Engineer concerned to the Member Secretary, District Land Purchase Committee to expedite the process of valuation of land being utilised and verification of ownership & inheritance of the land in question, obtaining NOC from the land owner/s and compliance of other relevant formalities as enshrined in Memorandum No.756-LP dated 25.02.2016 read with Memorandum No.1703-LP dated 26.07.2021 of the L & LR And RR & R Department, Govt. of West Bengal.

7. After availing the land valuation and verification of ownership & inheritance of the land in question related information, with the field survey report and other necessary documents including searching report in respect of the said land both from the IGR/DSR/ ADSR office and o/o the Collector concerned, in respect of the information as to whether the said land in question has been previously vested/acquired by the Govt. or not, the Executive Engineer concerned must send the Proposal to the I & W Department after vetting from the Dist. Land Purchase Committee concerned, through Superintending Engineer and Chief Engineer concerned, for further appreciation of the matter by the I & W Department;
8. In case where the Hon'ble High Court directs the Executive Engineer concerned to pass a Reasoned Order in respect of the issue of Land Utilisation Compensation, he/she must invariably follow the steps narrated herein above, assessing the ground reality;
9. While defending the Contempt matters, close liaison is to be maintained by the Executive Engineer concerned with the Ld. State Advocate/s and to brief him/them with minute details. He must ensure for presence of a staff of his office to the Hon'ble Court during hearing of the case and get the I & W Department updated;
10. The Executive Engineer concerned will keep close liaison with the Dist. Land Purchase Committee concerned, and such Dist. Land Purchase Committee concerned will finalise the valuation of the land, verify the ownership and inheritance issue. And the Executive Engineer concerned while sending the requisite documents and papers to the I & W Department in connection with Land utilisation fund placement proposal, must keep in mind that I & W Department requires to have the concurrence of L & LR And RR & R Department, Finance Department and Standing Committee on Industry, Infrastructure and Employment in terms of Memorandum No.756-LP dated 25.02.2016 read with Memorandum No.1703-LP dated 26.07.2021 of the L & LR And RR & R Department, Govt. of West Bengal before placement of fund to him/her, who in turn will transfer the said Fund to the Zilla Parishad concerned in connection with purchase of land from land owner/s through registered deed of conveyance, by paying the land value and thereafter formally transfer the land by subsequent deed

of conveyance in favour of Irrigation & Waterways Department. So, the Executive Engineer concerned must keep close liaison with the Dist. Land Purchase Committee concerned.

11. Thereafter, the Executive Engineer concerned will procure the certified copy of the deed of conveyance between the land owner/s and the Zilla Parishad concerned and keep liaison with the Zilla Parishad concerned for subsequent deed of conveyance in favour of Irrigation & Waterways Department in connection with transfer right, title and interest of the said land in favour of the Govt. in I & W Department. After such execution of deed of conveyance in favour of Irrigation & Waterways Department, he/she must send the original copy of the same to the I & W Department, by keeping a certified copy of the same in his office. The chain deed may also be procured by him from the Zilla Parishad concerned and send the same to the I & W Department, keeping a copy with his office. This is being issued with the approval of the Additional Chief Secretary, Irrigation and Waterways Department.

sdt

Joint Secretary to the Government of West Bengal

No. 2273/1(4)-IE

Date- 20/08/2024

Copy forwarded for information and necessary action to:

1. Chief Engineer, Irrigation & Waterways Directorate, Govt. of West Bengal (All).
2. Superintending Engineer, Irrigation & Waterways Directorate, Govt. of West Bengal (All).
3. Executive Engineer, Irrigation & Waterways Directorate, Govt. of West Bengal (All).
- ✓ 4. Executive Engineer, DVC Study Cell, Irrigation & Waterways Directorate, Govt. of West Bengal. —with a request to upload this order in the Official website of I & W Department.

*Route
20/8/24*

Joint Secretary to the Government of West Bengal